



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toshiyuki MIYABAYASHI

Serial No.: 10/675,865

Group No.

Filed: September 30, 2003

Examiner:

For: MICROENCAPSULATED PIGMENT, PRODUCTION PROCESS THEREFOR, AND
AQUEOUS DISPERSION AND INK JET RECORDING INK USING THE PIGMENT

Attorney Docket No.: U 014833-7

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references which are
considered in the specification and which are also listed on the attached Form PTO-1449.

Clifford J. Mass
Registration No. 30,086
c/o LADAS & PARRY
26 West 61st Street
New York, NY 10023
(212) 708-1890

Respectfully submitted,

Clifford J. Mass

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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CLIFFORD J. MASS

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Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label
placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an
oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement
will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



Practitioner's Docket No. U 014833-7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application
of _____
Inventor(s)
for _____
Title of invention

OR

In re application of: **Toshiyuki MIYABAYASHI**
Serial No.: 10/675,865 Group No.:
Filed: September 20, 2003 Examiner:
For: **MICROENCAPSULATED PIGMENT, PRODUCTION PROCESS THEREFOR, AND
AQUEOUS DISPERSION AND INK JET RECORDING INK USING THE PIGMENT**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*
*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 17, 2004

Signature
CLIFFORD J. MASS
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

WARNING: *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

NOTE: *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Reg. No.: 30,086

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Customer No.: 00140



SIGNATURE OF PRACTITIONER

CLIFFORD J. MASS

(type or print name of practitioner)

LADAS & PARRY

P.O. Address

26 WEST 61ST STREET
NEW YORK, N.Y. 10023

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|---|------------------------------|--------------|-------------------|
| FORM PTO-1449 U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | ATTY. DOCKET NO. | | SERIAL NO. |
| | U 014833-7 | | 10/675,865 |
| | APPLICANT | | |
| | TOSHIYUKI MIYABAYASHI | | |
| | FILING DATE | GROUP | |
| | 9/30/2003 | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION | |
|----|--------------------|---------|---------|-------------|----|
| | | | | YES | NO |
| AA | 10-316909 | 12/1998 | JP | X | |
| AB | | | | | |
| AC | | | | | |
| AD | | | | | |
| AE | | | | | |
| AF | | | | | |
| AG | | | | | |
| AH | | | | | |
| AI | | | | | |

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

| | |
|----|--|
| AJ | English language translation of JP 10-316909, December 2, 1998 |
| AK | |
| AL | |
| AM | |
| AN | |
| AO | |
| AP | |
| AQ | |
| AR | |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|--|----|--------------------|---------|---------|-------------|----|
| | | | | | YES | NO |
| | AA | 9-286939 | 11/1997 | JP | X | |
| | AB | 2000-44852 | 2/2000 | JP | X | |
| | AC | 2000-53897 | 2/2000 | JP | X | |
| | AD | 2000-53898 | 2/2000 | JP | X | |
| | AE | 2000-53899 | 2/2000 | JP | X | |
| | AF | 2000-53900 | 2/2000 | JP | X | |
| | AG | 5-339516 | 12/1993 | JP | X | |
| | AH | 11-166145 | 6/1999 | JP | X | |
| | AI | 8-302227 | 11/1996 | JP | X | |

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

| | | |
|--|----|--|
| | AJ | English language translation of JP 9-286939, November 4, 1997 |
| | AK | English language translation of JP 2000-44852, February 15, 2000 |
| | AL | English language translation of JP 2000-53897, February 22, 2000 |
| | AM | English language translation of JP 2000-53898, February 22, 2000 |
| | AN | English language translation of JP 2000-53899, February 22, 2000 |
| | AO | English language translation of JP 2000-53900, February 22, 2000 |
| | AP | English language translation of JP 5-339516, December 21, 1993 |
| | AQ | English language translation of JP 11-166145, June 22, 1999 |
| | AR | English language translation of JP 8-302227, November 19, 1996 |

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|--|--------------------|-----------|---------|-------------|----|
| | | | | YES | NO |
| | AA | 9-31360 | JP | X | |
| | AB | 9-217019 | JP | X | |
| | AC | 9-316353 | JP | X | |
| | AD | 9-104834 | JP | X | |
| | AE | 9-151342 | JP | X | |
| | AF | 10-140065 | JP | X | |
| | AG | 11-152424 | JP | X | |
| | AH | 11-199783 | JP | X | |
| | AI | 11-209672 | JP | X | |

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

| | |
|----|---|
| AJ | English language translation of JP 9-31360, February 4, 1997 |
| AK | English language translation of JP 9-217019, August 19, 1997 |
| AL | English language translation of JP 9-316353, December 9, 1997 |
| AM | English language translation of JP 9-104834, April 22, 1997 |
| AN | English language translation of JP 9-151342, June 10, 1997 |
| AO | English language translation of JP 10-140065, May 26, 1998 |
| AP | English language translation of JP 11-152424, June 8, 1999 |
| AQ | English language translation of JP 11-199783, July 27, 1999 |
| AR | English language translation of JP 11-209672, August 3, 1999 |

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|--|--------------------|-----------|---------|-------------|----|
| | | | | YES | NO |
| | AA | 8-218015 | JP | X | |
| | AB | 8-295837 | JP | X | |
| | AC | 9-3376 | JP | X | |
| | AD | 8-183920 | JP | X | |
| | AE | 10-46075 | JP | X | |
| | AF | 10-292143 | JP | X | |
| | AG | 11-80633 | JP | X | |
| | AH | 11-349870 | JP | X | |
| | AI | 2000-7961 | JP | X | |

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

| | | |
|--|----|---|
| | AJ | English language translation of JP 8-218015, August 27, 1996 |
| | AK | English language translation of JP 8-295837, November 12, 1996 |
| | AL | English language translation of JP 9-3376, January 7, 1997 |
| | AM | English language translation of JP 8-183920, July 16, 1996 |
| | AN | English language translation of JP 10-46075, February 17, 1998 |
| | AO | English language translation of JP 10-292143, November 4, 1998 |
| | AP | English language translation of JP 11-80633, March 26, 1999 |
| | AQ | English language translation of JP 11-349870, December 21, 1999 |
| | AR | English language translation of JP 2000-7961, January 11, 2000 |

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10/675,865

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT

TOSHIYUKI MIYABAYASHI

FILING DATE

GROUP

9/30/2003

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| | | DOCUMENT NUMBER | DATE | COUNTRY | TRANSLATION | |
|--|----|--------------------|---------|---------|-------------|----|
| | | | | | YES | NO |
| | AA | 2002-226741 | 8/2002 | JP | X | |
| | AB | 3-157464 | 7/1991 | JP | X | |
| | AC | 10-110129 | 4/1998 | JP | X | |
| | AD | 7-94634 | 10/1995 | JP | X | |
| | AE | 11-49974 | 2/1999 | JP | X | |
| | AF | 8-59715 | 3/1996 | JP | X | |
| | AG | 8-302228 | 11/1996 | JP | X | |
| | AH | 8-81647 | 3/1996 | JP | X | |
| | AI | 5-320276 | 12/1993 | JP | X | |

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

| | | |
|--|----|---|
| | AJ | English language translation of JP 2002-226741, August 14, 2002 |
| | AK | English language translation of JP 3-157464, July 5, 1991 |
| | AL | English language translation of JP 10-110129, April 28, 1998 |
| | AM | English language translation of JP 7-94634, October 11, 1995 |
| | AN | English language translation of JP 11-49974, February 23, 1999 |
| | AO | English language translation of JP 8-59715, March 5, 1996 |
| | AP | English language translation of JP 8-302228, November 19, 1996 |
| | AQ | English language translation of JP 8-81647, March 26, 1996 |
| | AR | English language translation of JP 5-320276, December 3, 1993 |

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